

(5) Use this evaluation as the sole determination of the behaviour of the board during the game, rather than make the evaluation just part of the rules of the game.

(c.2) Element (4) is the only element that can be found in the documents that were found by the ISR and the search in the USPTO, except my own applications. This applies to Golad (US 6,231,441) too, which does not disclose anything comparable to elements (1), (2), (3) and (5).

(c.3) The combination of all these elements together generates a behaviour that is radically different from anything that have been published until now in any context, including Golad (US 6,231,441). In particular, it creates the idea of establishing control on an area (GO also has this idea, but with completely different rules), and long distance effects (completely novel for board games which are played by indicating a point). These points are discussed in p.4 of the specification (mainly last paragraph). Because both the elements in the claim and the resulting effect are not obvious, the combination of the elements which are listed above in (c.1), as presented in Claim 1, is novel and inventive over Golad.

(c.4) It is not be obvious to change the behaviour of the board which is described in Golad to the behaviour that is described in the current application, because that will require the person to think of all the elements in (c.1) at the same time. A partial combination will not generate anything useful. Since none of the elements (1), (2), (3) and (5) appeared before, they don't seem to be useful, particular to somebody with skill in the art. Thus thinking of any of them is not obvious. Thinking about the combination would obviously much harder, and in addition the actual way of combining the features needs also to be imagined.

(c.5) In general, thinking about new games is quite a difficult task. For example, in Golad, the only game that is considered is an existing game (Rolit). There is no established methodology for inventing new board games (in the current context, inventing behaviors of the board). In that sense, there is no "art" to be skilled in. The existing "art" is more about selling existing games in new packaging. The behaviour that is described in the current application is different, because it generates a radically different game from anything that have been known until now, as discussed above.

(c.6) In case there is any doubt whether a behaviour can be patented, it should be mentioned that in the related application 10/031,890, the Board of Patent Appeals and interferences has concluded that ".... A computer or device programmed to play a specific game results in a structural difference over an unprogrammed general purpose computer or device." (Appeal number 2005-2318, page 10).

Thanks,

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